



Lake County Illinois

Legislation Details (With Text)

File #: 11-0396 **Version:** 1 **Name:** Prairie Crossing Bike Path, Right-of-way Acquisition Appropriation with Condemnation Authority

Type: resolution **Status:** Passed

File created: 4/25/2011 **In control:** Public Works and Transportation Committee

On agenda: **Final action:** 5/10/2011

Title: Joint resolution appropriating \$40,000 of Matching Tax funds for the acquisition of necessary right-of-way by agreement or condemnation, and other right-of-way costs associated with the construction of the Prairie Crossing Bike Path along Midlothian Road from IL Rte 176 to the Fremont Library and designated as Section 09-00171-13-BT.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/10/2011	1	Lake County Board	adopted	Pass
5/4/2011	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass
5/4/2011	1	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass

Joint resolution appropriating \$40,000 of Matching Tax funds for the acquisition of necessary right-of-way by agreement or condemnation, and other right-of-way costs associated with the construction of the Prairie Crossing Bike Path along Midlothian Road from IL Rte 176 to the Fremont Library and designated as Section 09-00171-13-BT.

- Prairie Crossing Bike Path, Right-of-way Acquisition: Appropriation with Condemnation Authority.
- Prairie Crossing Bike Path will be constructed along Midlothian Road to fill in the three gaps from IL Rte 176 to Peterson Road.
- Right-of-way acquisition is needed along the gap between IL Rte 176 to the Fremont Library.
- Preliminary plans and specifications for this improvement have been prepared.
- Before right-of-way acquisitions can proceed, an appropriation and condemnation authority is necessary.
- The appropriation is \$40,000 of Matching Tax funds.

RESOLUTION

WHEREAS, Midlothian Road, *County Highway 48*, is a designated route on the county highway system; and

WHEREAS, Lake County has received federal Congestion Mitigation and Air Quality funding (CMAQ), as administered, by IDOT, for the construction of the Prairie Crossing Bike Path along Midlothian Road to fill in the three gaps in the bike path from IL Rte 176 to Peterson Road, County Highway 20; and

WHEREAS, Lake County, by and through its Division of Transportation, has prepared preliminary plans and right-of-way plats, said plats identifying right-of-way needs; and

WHEREAS, right-of-way acquisition for Midlothian Road is needed along the gap in the said bike path between IL Rte 176 to the Fremont Library for the operation of said county highway 48 and the right-of-way, and associated costs are estimated to be \$40,000.

NOW, THEREFORE BE IT RESOLVED by this Lake County Board:

SECTION 1: It is hereby determined that it is necessary and desirable that Lake County acquire title to and possession of all of the real property within the proposed new right-of-way lines of Midlothian Road, between IL Rte 176 to the Fremont Library, for the operation of said County Highway 48 to incorporate the gap in the Prairie Crossing Bike Path, together with construction and other easements, both temporary and permanent, for said highway, all as outlined in plats of highways made under direction of Martin G. Buehler, County Engineer of Lake County, Illinois, copies of which are filed in the office of the Lake County Engineer, which said real property and easements are necessary, required, and needed for the improvement and operation of said highway.

SECTION 2: That the Lake County Division of Transportation, or its agents, on behalf of Lake County be, and they are hereby authorized, empowered and directed to negotiate with and purchase from the owner or owners of all the real property determined to be necessary under this resolution and described in the plats of survey of said highway.

SECTION 3: In the event that said Lake County Division of Transportation is unable to agree with the owner or owners of said real property upon the compensation to be paid therefore, then title to and possession of said real property described in Section 1 of this resolution shall be acquired by condemnation by Lake County. The State's Attorney of Lake County is hereby authorized, empowered and directed to institute proceedings in any court of competent jurisdiction to acquire title to and possession of said property for Lake County in accordance with the Eminent Domain Laws of the State of Illinois.

SECTION 4: That there is hereby appropriated \$40,000 of Matching Tax funds for the purchase of the real property and easements determined to be necessary under this resolution and described in the plats of survey of said highway and designated as Section 09-00171-13-TL.

DATED at Waukegan, Illinois, on May 10, 2011.